

REMARKS

In response to the Patent Office action of February 4, 2005, the applicant respectfully requests re-examination and reconsideration. To further the prosecution of this application, considerable amendments have been made in the claims and the Applicant has also added some additional claims so as to afford the Applicant with a proper and complete scope of claim coverage. Claims 1-43 are now in the application with claims 1 and 17 being further amended and claims 32-43 added as new claims. The independent claims in the application are claims 1, 17 and 42.

On pages 2 and 3 of the Patent Office Action, the Examiner has set forth a rejection under 35 U.S.C. §112, second paragraph. The Applicant has addressed all of the objections raised by the Examiner and has made appropriate amendments in claims 1 and 17. There is now believed to be proper antecedent basis for all terms that are set forth in both of these claims.

On pages 4-10 of the Patent Office Letter, the Examiner has also presented a rejection of the then pending claims under 35 U.S.C. §103(a) citing the patents to Sitka et al. U.S. Patent No. 6,349,373 in view of the patent to Cooke Jr. et al. U.S. Patent No. 6,574,629. This rejection under 35 U.S.C. §103(a) is hereby respectfully traversed. More particularly, on page 9 of the Patent Office Letter, the Examiner has set forth a rejection of claims 8 and 26 with a further reliance upon the patent to Jian et al. U.S. Patent No. 6,199,072. This rejection is also hereby respectfully traversed.

As has been noted previously, the method of the present invention includes the steps of accessing patient medical data from at least one external source and then segmenting the data into a plurality of information groups. Claim 1 defines each information group as corresponding to a particular patient's information. The information groups are then stored onto an archival storage media with each group having an identification that is unique from that of any other information groups stored within said archival storage media and all other archival storage media from the same or different archive systems. This enables the information groups to be independently accessed, within or without the archive system in which they were created.

The Sitka reference, as noted by the Examiner, does not disclose the type of unique identification that is characteristic of applicant's invention, nor would it be obvious to one having

ordinary skill in the art to utilize such a unique and universal identification means. The Examiner's attention is specifically directed to the portion of the specification of the instant application starting at page 11, line 21, and continuing through page 12, line 8, wherein there is a detailed disclosure and basis for the amended language in claim 1. Note also applicant's specification at page 13, lines 2 through 8. Sitka's identification of an information group by use of a patient's name, a physician's name, personal information, etc., is a far cry from the universally unique identification utilized by applicant. For example, in Sitka, different information groups may involve the same patient and/or doctor, and hence any one information group could not be accessed because of the fact that a number of the groups might have the same identification. Also, in many cases more than one person may exist having the same name, as a result of which such an identification would not be truly unique.

Applicant's information group identifier, on the other hand, is truly universally unique as described in the aforesaid portion of applicant's specification on pages 11 and 12. As a result, both the data groups and individual archive media pieces are distinguished from any other data groups or archive media pieces stored within said archive. Further, as a result of the universally unique identifiers, said data groups and individual media pieces are also distinguishable from all other data groups and archival storage media from different archive systems. This allows data groups and medium to be independently accessed, within or without the archive system in which they were created. This also allows the data groups and media to be aggregated from multiple sources into a single source. Applicant's universally unique identifiers also allow aggregation of multiple data sources into a single source, such as combining separate archives from Hospital A and Hospital B into a single archive with each data group and each storage medium remaining universally uniquely identifiable. The Sitka reference neither discloses nor suggests use of such a universally unique identifier, nor is there any valid basis on which it could be legitimately maintained that to so modify Sitka would be obvious to one having ordinary skill in the art at the time the invention was made.

Another distinction over the Sitka reference is that in Sitka they describe an "image" group while in accordance with the present invention we disclose an "information" group. This information group as set forth in dependent claims is one that includes meta-data.

Regarding the Sitka et al. reference, it is noted that the Examiner has acknowledged that this reference does not disclose storing a plurality of information groups onto a storage media. The Examiner has further relied upon the Cooke reference for the alleged showing of a "folder of studies." It is the Applicant's position that these studies are still all associated with a particular information group and that there is no teaching in Cooke of our claimed plurality of information groups. Claim 1 has further now defined each of the information groups as corresponding to information about a particular patient.

In Cooke in the reference portion in column 8, reference is made to the storage of studies. However, there is no clear teaching that these various studies are associated with different patients. All that can be assumed from this reference is that, for a particular patient, there are folders of studies, individual studies, series of studies, or individual images. There is absolutely no clear teaching in the Cooke reference of a plurality of information groups with each information group corresponding to information about a particular patient and with said plurality being stored onto a single storage media. Accordingly, the Cooke reference is ineffective whether taken alone or in combination in this rejection, particularly in view of the further amendments that have been made in claims 1 and 17.

The Jian U.S. Patent 6,199,072 has been cited in the Patent Office Letter for the alleged showing of its "directory file." The reference to Fig. 2 illustrates this directory file. However, this directory file does not identify the file itself, particularly in comparison with other files, but instead simply lists information about the content of the file such as the number of archive types, etc. In accordance with the present invention, the unique identifier is used to identify a particular storage medium and distinguish that storage medium from other ones. In the disclosed embodiments, the storage mediums are DVDs. This unique identifier uniquely identifies each DVD so that a DVD can be tracked, managed and interchanged at different sites. In the preferred embodiment described herein, the identifier is a concatenation of a distinctly assigned volume label followed by values representing the recorded time and date. Accordingly, no two primary storage media or DVDs have the same identifier. In the Jian reference that directory file does not provide any means for

identifying itself particularly as it relates to an identification that would distinguish it from other storage media.

As has been indicated previously, it is the Applicant's position that the claims as even previously presented should be patentably distinguished over the prior art relied upon by the Examiner. However, to further the prosecution of this application further amendments have been made in claims 1 and 17 and with these amendments, pointing out further characteristics of the present invention, there should be no doubt that these claims are now in allowable condition. For example, in claim 1 each of the information groups is now being defined as being stored entirely only on one of the plurality of archival media. The method that is defined also includes encoding a unique identifier on one of the storage media to uniquely identify that storage media from that of all other storage media. The Jian patent does not show a unique identifier that does that. Claim 1 further identifies the encoding step as including recording an index file having at least an identifier and a database file and recording that on one of the storage media. Claim 1 lastly defines the step of independently accessing the storage media at a site other than the data archiving system by reading the index file. With these further amendments in claim 1, it is believed that claim 1 should clearly be found in allowable condition. The original dependent claims 2-16 should also be found in condition for allowance as they contain all of the limitations of claim 1 and any intervening claims.

Claim 17 has also been extensively amended. The memory storage is now defined as comprised of a plurality of separate archival storage media with each information grouping stored entirely on one of the plurality of storage media. Moreover, the available storage capacity of the media is determined by using a predefined percentage full value for the storage media wherein the information group is recorded on the storage media if the percentage full value is not exceeded and wherein if the recording of the information group onto the storage media exceeds the percentage full value then a different storage media is selected. This added feature in combination with the other elements of claim 17 should now clearly patentably distinguish this claim from the prior art cited and relied upon by the Examiner. Dependent claims 18-31 all dependent directly or indirectly from claim 17 should also be found in condition for allowance as they contain at least all of the limitations of claim 17.

The Applicant has also added several dependent method claims, namely claims 32-39. These claims all depend directly or indirectly from claim 1 and recite further features that are patentably distinguishing. For example, claims 36-38 define the conditions under which the information group is stored. Claim 36 defines the further step of determining available storage capacity by using a predetermined percentage full value for the storage media. Claim 37 defines the information group as being recorded on the storage media if the percentage full value is not exceeded and claim 38 defines a condition in which, if the recording of the information group onto the storage media exceeds the percentage full value, then a different storage media is selected. This feature, particularly in combination with the other limitations in claim 1, is not at all found in the prior art whether the reference is to be taken singly or in combination.

Claims 40 and 41 are dependent claims relating to claim 17 and should be found allowable for the same reasons as argued in connection with claim 17.

Claim 42 is a third independent claim that has been added to the application along with a single dependent claim 43. Claim 42 includes limitations from several previous claims and further includes a subset of steps relating to the information group and the manner in which it is stored entirely only on one of the plurality of storage media. This includes the steps of determining the available storage capacity of the storage medium, comparing the available storage capacity of the storage medium to that of the information group that is to be stored, recording the information group on the selected storage medium only if the size of the information group is smaller than the available storage capacity of the storage medium, and selecting another storage medium if the size of the information group is larger than the available storage capacity of the storage medium. It is also noted that this claim identifies a unique identifier and the step of independently accessing the storage media at a remote site. Claim 43 claims another aspect of the present invention relating to the description of the present system particularly in Fig. 1. This defines the same information group as being stored on more than one storage medium having a different unique identifiers associated with each. This feature is also clearly not shown in the prior art. Refer in the present application in particular to Fig. 1(b).

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant respectfully submits that all of the claims pending in the above-identified application are in condition for allowance, and a notice to that effect is earnestly solicited.

If the present application is found by the Examiner not to be in condition for allowance, then the Applicant hereby requests a telephone or personal interview to facilitate the resolution of any remaining matters. Applicant's attorney may be contacted by telephone at the number indicated below to schedule such an interview.

The U.S. Patent and Trademark Office is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our deposit account #19-0120.

Respectfully submitted,

Dated: Aug 3, 2005



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